
HOUSE BILL 1271

State of Washington

57th Legislature

2001 Regular Session

By Representatives Ballasiotes, O'Brien, Conway and Woods

Read first time 01/22/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to modifying requirements for certain victims of
2 sexually violent predators to be eligible for victims' compensation;
3 and amending RCW 7.68.060.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 7.68.060 and 1996 c 122 s 4 are each amended to read
6 as follows:

7 (1) For the purposes of applying for benefits under this chapter,
8 the rights, privileges, responsibilities, duties, limitations and
9 procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and
10 51.28.060 shall apply: PROVIDED, That except for applications received
11 pursuant to subsection (4) of this section, no compensation of any kind
12 shall be available under this chapter if:

13 (a) An application for benefits is not received by the department
14 within two years after the date the criminal act was reported to a
15 local police department or sheriff's office or the date the rights of
16 dependents or beneficiaries accrued, unless the director has determined
17 that "good cause" exists to expand the time permitted to receive the
18 application. "Good cause" shall be determined by the department on a
19 case-by-case basis and may extend the period of time in which an

1 application can be received for up to five years after the date the
2 criminal act was reported to a local police department or sheriff's
3 office or the date the rights of dependents or beneficiaries accrued;
4 or

5 (b) The criminal act is not reported by the victim or someone on
6 his or her behalf to a local police department or sheriff's office
7 within twelve months of its occurrence or, if it could not reasonably
8 have been reported within that period, within twelve months of the time
9 when a report could reasonably have been made. In making
10 determinations as to reasonable time limits, the department shall give
11 greatest weight to the needs of the victims.

12 (2) This section shall apply only to criminal acts reported after
13 December 31, 1985.

14 (3) Because victims of childhood criminal acts may repress
15 conscious memory of such criminal acts far beyond the age of eighteen,
16 the rights of adult victims of childhood criminal acts shall accrue at
17 the time the victim discovers or reasonably should have discovered the
18 elements of the crime. In making determinations as to reasonable time
19 limits, the department shall give greatest weight to the needs of the
20 victim.

21 (4) A right to benefits under this chapter is available to any
22 victim of a person against whom the state initiates proceedings under
23 chapter 71.09 RCW. The right created under this subsection shall
24 accrue when the victim is notified of proceedings under chapter 71.09
25 RCW or the victim is interviewed, deposed, or testifies as a witness in
26 connection with the proceedings. An application for benefits under
27 this subsection must be received by the department within two years
28 after the date the victim's right accrued unless the director
29 determines that good cause exists to expand the time to receive the
30 application. The director shall determine "good cause" on a case-by-
31 case basis and may extend the period of time in which an application
32 can be received for up to five years after the date the right of the
33 victim accrued. Benefits under this subsection shall be limited to
34 compensation for costs or losses incurred on or after the date the
35 victim's right accrues for a claim allowed under this subsection.

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